

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER HERVEY,

Defendant.

8:17CR333

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on June 18, 2020 regarding Amended Petition for Offender Under Supervision [42]. Jeffrey L. Thomas represented the defendant. Jody B. Mullis represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The government made an oral motion to dismiss Petition for Offender Under Supervision [39]. The government's oral motion to dismiss Petition for Offender Under Supervision [39] is granted without objection.

The defendant is being released pending a final dispositional hearing. Therefore, the defendant does not have a right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds the petition sets forth probable cause to believe the defendant violated the terms of supervised release. The defendant shall appear personally for a final dispositional hearing before Senior U.S. District Judge Laurie Smith Camp in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:00 a.m. on August 13, 2020.

The government moved for detention based upon risk of flight. The defendant requested a detention hearing which was held. The defendant met his burden to establish by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6). The government's motion for detention is denied, and the defendant shall be released on the current terms and conditions of supervision. 18 U.S.C. § 3143(a)(1).

IT IS SO ORDERED.

Dated this 18th day of June, 2020.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge